

1-1 By: Ellis S.B. No. 262
1-2 (In the Senate - Filed January 22, 2007; January 30, 2007,
1-3 read first time and referred to Committee on Criminal Justice;
1-4 April 16, 2007, reported adversely, with favorable Committee
1-5 Substitute by the following vote: Yeas 5, Nays 0; April 16, 2007,
1-6 sent to printer.)

1-7 COMMITTEE SUBSTITUTE FOR S.B. No. 262 By: Ellis

1-8 A BILL TO BE ENTITLED
1-9 AN ACT

1-10 relating to compensation for wrongful imprisonment.

1-11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-12 SECTION 1. Section 103.052, Civil Practice and Remedies
1-13 Code, is amended by amending Subsection (a) and adding Subsection
1-14 (a-1) to read as follows:

1-15 (a) Except as provided by Subsection (a-1), a [A] person who
1-16 meets the requirements of Section 103.001 is entitled to
1-17 compensation in an amount equal to \$50,000[+]

1-18 [~~(1) \$25,000~~] multiplied by the number of years served
1-19 in prison, expressed as a fraction to reflect partial years[~~, if the~~
1-20 time served is less than 20 years; or

1-21 [~~(2) \$500,000 if the time served is 20 years or more~~].

1-22 (a-1) A person sentenced to death who meets the requirements
1-23 of Section 103.001 is entitled to compensation in an amount equal to
1-24 \$100,000 multiplied by the number of years served in prison,
1-25 expressed as a fraction to reflect partial years.

1-26 SECTION 2. Subsection (c), Section 103.105, Civil Practice
1-27 and Remedies Code, is repealed.

1-28 SECTION 3. (a) The change in law made by this Act to
1-29 Section 103.052, Civil Practice and Remedies Code, applies to an
1-30 administrative proceeding for compensation for wrongful
1-31 imprisonment for which the application is filed on or after the
1-32 effective date of this Act. An application filed before the
1-33 effective date of this Act is governed by the law in effect on the
1-34 date of the filing, and that law is continued in effect for that
1-35 purpose.

1-36 (b) The change in law made by this Act to Section 103.105,
1-37 Civil Practice and Remedies Code, applies to an action:

1-38 (1) commenced on or after the effective date of this
1-39 Act; or

1-40 (2) pending on that effective date and in which the
1-41 trial, or any new trial or retrial following motion, appeal, or
1-42 otherwise, begins on or after that effective date.

1-43 (c) In an action commenced before the effective date of this
1-44 Act, a trial, new trial, or retrial that is in progress on the
1-45 effective date is governed by the law applicable to the trial, new
1-46 trial, or retrial immediately before the effective date, and that
1-47 law is continued in effect for that purpose.

1-48 SECTION 4. This Act takes effect immediately if it receives
1-49 a vote of two-thirds of all the members elected to each house, as
1-50 provided by Section 39, Article III, Texas Constitution. If this
1-51 Act does not receive the vote necessary for immediate effect, this
1-52 Act takes effect September 1, 2007.

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